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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Peter Neumann

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EXAMINER

DOAN, KIET M

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

02/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,457	Applicant(s) NEUMANN, PETER	
	Examiner KIET DOAN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/25/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 9, 15 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9, and 12-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarwood (US 6,161,016) in view of Valen et al. (US 2002/0019241 A1).

Consider **claim 9, 15, 16**. Yarwood teaches a method for controlling establishment of connections to mobile stations present in an area of a disaster (Abstract, Paragraph [0024] teach provide connection in an event of emergency overload), the method comprising:

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transmitting a sequence in a message sent to the mobile stations in at least one cell of a mobile radio network present in the area (Abstract, Col.3, lines 8-15 teach repeating transmitting/paging signal periodically to mobile device). Yarwood teaches the claimed limitation as discussed above **but is silent on**

providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence.

In an analogous art, **Vialen teaches** providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence (Abstract, Paragraphs [0018-0020], [0041-0042], [0050] teach mobile requesting connection/paging message from core network and receiving multiple/multicall page message/response).

It would have been obvious at the time that the invention was made to modify Yarwood with Vialen's system, such that in an area of disaster, base station transmitting a sequence in a message sent to the mobile stations and in order to connection the mobile station establishment the sequence to provide means for the users capable transmitted or received service without interrupt or disconnect during emergency or system overload.

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5. **Claims 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarwood (US 6,161,016) in view of Vialen et al. (US 2002/0019241 A1) and further view of Lee et al. (US 2004/0242246 A1).

Consider **claim 10**. The combination of Yarwood and Vialen teach a method for controlling establishment of connections to mobile stations as claimed in claim 9, **but is silent on** wherein the sequence is transmitted as a cell broadcast short message.

In an analogous art, **Lee teaches** wherein the sequence is transmitted as a cell broadcast short message (Abstract, Paragraphs [0006], [0031-0032]). It would have been obvious at the time that the invention was made to modify Yarwood and Vialen with Lee's system such that the sequence is transmitted as a cell broadcast short message in order to prevent overload the system and fast way to communication with mobile device during emergency.

Consider **claim 11**. The combination of Yarwood and Vialen teach the method for controlling establishment of connections of mobile station as claimed in claim 9. Further Lee teaches wherein the sequence is transmitted as a circuit switched group call (Paragraphs [0016-0017] teach plurality of mobile device 114 read as group call).

6. **Claims 12-14** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Yarwood (US 6,161,016) in view of Vialen et al. (US 2002/0019241 A1) and further view of Coles et al. (US 2006/0217153 A1).

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Consider **claims 12, 13**. The combination of Yarwood and Valen teach the method for controlling establishment of connections of mobile stations as claimed in claim 9, **but is silent on** wherein the transmission of the sequence occurs via an SIM application toolkit of a mobile station, the SIM application toolkit prompting the mobile station to transmit data representing at least one of a telephone number of the mobile station and a terminal number of the mobile radio to one of the mobile radio network and a destination.

In an analogous art, **Coles teaches** wherein the transmission of the sequence occurs via an SIM application toolkit of a mobile station, the SIM application toolkit prompting the mobile station to transmit data representing at least one of a telephone number of the mobile station and a terminal number of the mobile radio to one of the mobile radio network and a destination (Abstract, Paragraphs [0037-0038], [0041]). It would have been obvious at the time that the invention was made to modify Yarwood and Valen with Coles's system such that the SIM application toolkit prompting the mobile station to transmit data representing at least one of a telephone number of the mobile station in order to secure and transmit to a correct phone/user.

Consider **claim 14**. The combination of Yarwood and Valen teach a method for controlling establishment of connections of mobile stations as claimed in claim 9. Further, Coles teaches comprising scanning at least one of telephone numbers and mobile station device numbers of the mobile stations in the area to substantially

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ascertain which of the mobile stations are present in the area (Paragraphs [0020], [0034]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

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